

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES of the LOCAL UNION 373
UNITED ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND
PIPEFITTING INDUSTRY LOCAL 373 BENEFIT FUNDS

Index: 08 CIV 5039 (CLB)(MDF)

ECF CASE

Plaintiffs, ANSWER

-against-

EDWARD J. BEHRENS PLUMBING & HEATING INC.,

Defendant.

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Defendant, Edward J. Behrens Plumbing & Heating Inc., by and through its attorneys, Britt & Taub, PLLC, as and for its Answer to the Complaint of the Board of Trustees of the Local Union 373 United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry Local 373 Benefit Funds, upon information and belief, states:

1. Defendant admits the allegations contained in Paragraphs "9" and "21" of the Complaint.
2. Defendant denies knowledge or information sufficient to form a belief as to those allegations contained in Paragraphs "1", "2", "3", "4", "5", "6", "7", "8", "10", "11", "12", "15", "16", "19", "20", "22", "26" and "27" of the Complaint.
3. Defendant denies the allegations contained in Paragraph "14" inasmuch as they assert that certain amounts are due and owing to the Funds. Defendant denies knowledge or information sufficient to form a belief as to the remainder of the allegations contained in Paragraph "14".

4. Defendant denies the allegations contained in Paragraphs "13", "17", "23", "24" and "28".
5. With respect to Paragraphs "18" and "25" of the Complaint, Defendant repeats and reiterates Paragraphs "1" through "4" of this Answer, as if each and every statement were more fully set forth herein.

FIRST AFFIRMATIVE DEFENSE

6. This Court lacks subject matter jurisdiction in this action.

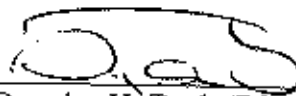
SECOND AFFIRMATIVE DEFENSE

7. The Complaint fails to set forth a cause of action upon which relief may be granted.

Dated: White Plains, New York
July 3, 2008

Respectfully submitted,

BRITT & TAUB, PLLC



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